

That is what we asked for—to be in the Senate and make these tough choices.

I hope, in the hours that are ahead, we will be able to have some amendments—and there are several that would fix this and would allow the doctors to receive the pay they are entitled to—and they are entitled to it—but at the same time would not add to the debt.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COATS). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I would just add that this isn't just my opinion about these cost overruns in the legislation. Here is a Wall Street Journal article from a few days ago: "Two-thirds of \$214 billion cost would be financed through higher deficits. . . ." That is the subheadline on that. The headline is: "Senate Wrangles Over Medicare-Payments Fix."

So I don't think there is any real doubt about that. The article goes on to say:

The deal reached by House leaders would shift some of those costs onto Medicare beneficiaries—

So some of the Medicare benefits, such as Part C, are not part of trust fund money. It is not paid for when you have that withholding from your paycheck, and people with higher incomes probably ought to pay a higher percentage of the cost that they can reasonably afford, if they have a higher income, when they go see a doctor. I think we could use that. But at any rate, this bill would shift some costs to Medicare beneficiaries. The article continues—

while providers such as hospitals also would shoulder some costs.

So they are paying for some of these costs by having reduction in payments to hospitals that are hurting this year. And the article states:

The rest would be financed through higher deficits.

No doubt about it.

Forbes magazine comments here in an article by Stan Collender, saying that "the procedural choices Congress is making all favor increasing the deficit rather than at least requiring it not get any worse."

This is what the article says about the SGR—the physician's payment: "The SGR change without a full offset is projected to add an average of around \$14 billion a year to the deficit."

Here is a headline from The Fiscal Times: "Medicare 'Doc Fix' May Be No Fix at All."

Paul Winfree, an economic policy expert with the Heritage Foundation, said this:

Rather than a permanent replacement to the Sustainable Growth Rate—

Remember, we have been promised this would be a permanent replacement—

it is much more likely that the House doc fix will be a shorter-term patch requiring another series of patchwork legislation just nine years from now.

They also conclude in this article that the permanent fix would "add \$141 billion to the deficit over the first 10 years and could go as high as \$500 billion over two decades, as previously reported here."

I did want to emphasize it is really not \$141 over 10 years, it is \$174, because when you add up \$141 billion in additional debt over 10 years, you pay interest on that. You borrow that money and pay interest, and when you calculate the interest that is paid, the increased interest is \$174 billion added to the total deficit of America.

Colleagues, our interest payment on our debt is staggering. The highway bill is about \$40 billion to \$50 billion a year. Aid to education is nearly \$100 billion a year, for example. The interest we pay annually on the current \$18 trillion debt, in spite of the fact we have some of the lowest interest rates we have ever had, was more than \$220 billion-plus last year.

The Congressional Budget Office, however, says that 10 years from now, with interest rates projected to return to the mean and with the deficit every year out for 10 years, we will be over \$900 billion in interest in the 10th year. That is just in 10 years. We go from \$200 billion to \$900-plus billion.

This is why the Congressional Budget Office Director, chosen by our Democratic colleagues, Dr. Elmendorf, a very capable, wise man, has said we are on an unsustainable path. This is a path of fiscal destruction. It is not responsible.

So day after day, week after week, we in Congress are going to have to start saying, no, we don't have the money. Do you not understand? We can't keep digging the hole deeper. We are supposed to be trying to figure out a way to reduce deficits and balance the budget, not to pass more legislation that is going to cost more money than we have to spend on these things. The only way we will be able to honor that legislation is to borrow more. That is what we are doing.

So I don't think there is any doubt about what I have said. If somebody can come down and prove this bill is paid for I will shake their hand and I will be happy because I want to do the doctors fix, and I want to be sure we do it in a responsible financial way. If not, we will have legislation, amendments will be offered that I think can fix it and that will require Congress to come up with the money in a proper way, do the assistance we need to provide to our doctors and not add to the debt.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

EXECUTIVE SESSION

NOMINATION OF ALFRED H. BENNETT TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Alfred H. Bennett, of Texas, to be United States District Judge for the Southern District of Texas.

Mr. CORNYN. Mr. President, we yield back all remaining time.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time is yielded back.

Mr. CORNYN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Alfred H. Bennett, of Texas, to be United States District Judge for the Southern District of Texas?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from New Hampshire (Ms. AYOTTE), the Senator from Texas (Mr. CRUZ), the Senator from South Carolina (Mr. GRAHAM), the Senator from Florida (Mr. RUBIO), and the Senator from Pennsylvania (Mr. TOOMEY).

The PRESIDING OFFICER (Mr. LANKFORD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 136 Ex.]

YEAS—95

| | | |
|------------|-----------|------------|
| Alexander | Cassidy | Flake |
| Baldwin | Coats | Franken |
| Barrasso | Cochran | Gardner |
| Bennet | Collins | Gillibrand |
| Blumenthal | Coons | Grassley |
| Blunt | Corker | Hatch |
| Booker | Cornyn | Heinrich |
| Boozman | Cotton | Heitkamp |
| Boxer | Crapo | Heller |
| Brown | Daines | Hirono |
| Burr | Donnelly | Hoeven |
| Cantwell | Durbin | Inhofe |
| Capito | Enzi | Isakson |
| Cardin | Ernst | Johnson |
| Carper | Feinstein | Kaine |
| Casey | Fischer | King |

| | | |
|-----------|---------|------------|
| Kirk | Murray | Sessions |
| Klobuchar | Nelson | Shaheen |
| Lankford | Paul | Shelby |
| Leahy | Perdue | Stabenow |
| Lee | Peters | Sullivan |
| Manchin | Portman | Tester |
| Markey | Reed | Thune |
| McCain | Reid | Tillis |
| McCaskill | Risch | Udall |
| McConnell | Roberts | Vitter |
| Menendez | Rounds | Warner |
| Merkley | Sanders | Warren |
| Mikulski | Sasse | Whitehouse |
| Moran | Schatz | Wicker |
| Murkowski | Schumer | Wyden |
| Murphy | Scott | |

NOT VOTING—5

| | | |
|--------|--------|--------|
| Ayotte | Graham | Toomey |
| Cruz | Rubio | |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's actions.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The majority leader.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO ETHELENE THOMPSON

Mr. REID. Mr. President, I rise today to recognize Mrs. Ethelene Thompson.

She was born on June 6, 1925, in Water Valley, MS, as the third child of Minnie and Solomon Morgan. Today, Ethelene is a caregiver known to many in her community for her willingness to provide free childcare and transportation to those in need. She lived through the Great Depression, World War II, the civil rights movement, and the election and tenure of the first African-American President. In 1946, she married Willie Thompson, and they raised six beautiful daughters, until his passing in 2000.

Mrs. Thompson has been instrumental in helping raise her 14 grandchildren, 13 great-grandchildren, and 4 great-great-grandchildren. She is known to give selflessly of her time and wisdom and to countless folks in her neighborhood and at her church.

She helped lead the Girl Scout troops for her daughters and granddaughters, ensured that her grandson and his friends made it to every sports practice and game, and has served faithfully as a member of the Bloomfield Full Gospel Baptist Church for more than 50 years, where she has been a member of the choir, Sunday school, and kitchen ministry.

I take this opportunity to celebrate Mrs. Ethelene Thompson's life and leg-

acy. May she continue to grow in her steadfast faith and love for her family.

LYNCH NOMINATION

Mr. LEAHY. Mr. President, while the Senate was in recess, Loretta Lynch, the nominee to be our next Attorney General, announced that her office brought charges against two residents of Queens, NY, for conspiring to use weapons of mass destruction and plotting a terrorist attack on American soil. U.S. Attorney Lynch continues to work tirelessly to protect our Nation, but the Senate Republican leadership continues to play politics with our law enforcement and has prevented the Senate from fulfilling one of our most essential constitutional duties—the duty to provide advice and consent on Presidential nominations. The same baseless political obstructionism that has stalled Ms. Lynch's nomination has also led to the Senate's failure to confirm a single Federal judge so far this year.

As one of the country's top Federal prosecutors, Loretta Lynch has an unparalleled record of keeping Americans safe from dangerous criminals and terrorists. This includes the successful prosecution of six individuals for their roles in a 2009 Al Qaeda plot to attack the New York subway system, the convictions of four terrorists who plotted an attack on John F. Kennedy Airport, and the conviction of a terrorist who sought to detonate an explosive device at the New York Federal Reserve. Despite her distinguished record of service, the Republican leadership is trying to use Ms. Lynch's nomination for political gain. This is not how the Senate should be treating a nomination of such importance to law enforcement and our national security.

It has now been more than 5 months since President Obama announced the nomination of Ms. Lynch to be Attorney General. Her nomination was reported out of the Judiciary Committee with bipartisan support in February, yet it has been pending before the full Senate for 46 days. That is nearly twice as long as all of the past seven Attorneys General combined: Richard Thornburgh, 1 day; William Barr, 5 days; Janet Reno, 1 day; John Ashcroft, 2 days; Alberto Gonzales, 8 days; Michael Mukasey, 2 days; and Eric Holder, 5 days. This historic delay is an embarrassment for the Senate.

In January, Ms. Lynch testified before the Senate Judiciary Committee for nearly 8 hours and she responded to nearly 900 written questions. Not a single witness invited by Republicans opposed her nomination. When Republicans stalled consideration of Ms. Lynch's nomination in committee, Democrats noted the unnecessary delay and raised concerns about filling this vital position. The assistant Republican leader dismissed this as “faux outrage.” But in November 2007, that same Senator complained that a 7-week process on the Mukasey nomina-

tion threatened our national security. He issued a press release stating:

It is imperative that the president has his national security team at full strength and the unnecessary delay of Judge Mukasey's nomination has prevented that. He deserves an immediate up-or-down vote by the full Senate.

Similarly, in early October 2007—just 3 weeks after Mr. Mukasey's nomination was announced, the Republican leader criticized me for not yet having set a hearing date, saying that Democrats should “not hold Judge Mukasey hostage while they play partisan games.” This is the same Republican leader who is now holding Ms. Lynch's nomination hostage and who has kept her nomination languishing on the floor for nearly twice as long as the past seven Attorneys General combined.

No one can deny that Ms. Lynch is eminently qualified for the job. The Republican leader should schedule a vote on Ms. Lynch's nomination today. She has the votes to be confirmed, and a vote on this highly qualified nominee is long overdue. The Majority must stop playing political games with our law enforcement.

We should also be voting on all 10 judicial nominees who have been pending in the Senate since last year, two of whom just passed the 1-year mark since they were first nominated. Tonight, we will consider just one of those nominees. Once confirmed, Alfred Bennett will fill a “judicial emergency” vacancy in the Southern District of Texas that has been empty for more than 2 years. There is no good explanation why it has taken us nearly 7 months to vote on his nomination, nor is there a good reason for why we are not voting on the other two pending nominees to district court vacancies in Texas. There are still two Fifth Circuit vacancies and seven other Federal district court vacancies in Texas for which there are no nominees. Texas has two times the number of Federal court vacancies of any other State, and these vacancies account for one-third of the judicial emergency vacancies on our Nation's courts. I urge the Texas Senators to work with the President so that we can receive nominees for those vacancies as soon as possible.

Despite promises to govern responsibly, the Republican majority has continued to obstruct when it comes to judicial vacancies. When Senate Democrats were in the majority, we confirmed 15 of President Bush's district and circuit court nominees by April 2007. We confirmed 68 judges during the last 2 years of the Bush administration, building on a record I established at the very beginning of the Bush Presidency when 100 judges were confirmed in the 17 months that I served as chairman of the Judiciary Committee. The fact that it has taken more than 3 months into the 114th Congress for the Republican majority to schedule a vote on a single judicial nominee is disconcerting, especially because all four